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April 21, 2025

The Honorable Judge Vincent F. Papalia
US Bankruptcy Court
Courtroom no. 3B
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102

Re: **Chapter 11 – Case No. 23-13359 (VFP)**

1) Bradford J Sandler, Esq., and three other lawyers along with a Michael Goldberg, solely in his capacity as the Plan Administrator, filed a *Notice of Objection to (O)ur Claim* for a hearing scheduled on 4/29/2025 before the Hon. Vincent Papalia.

2) Relief "demanded" by the Objection (which seeks to alter Claimants rights) respectfully should not be granted. It should be denied both for form (manner) and substance. Even if Michael Goldberg has filed the 17th objection "merely" to reclassify claims of others, while intending to "seek to disallow or reduce the amount," the Court is not a dog whose owner can "demand" from it to jump up and down. Then possibly I am reading too much into the all-caps and bold "THE RELIEF DEMANDED BY THE OBJECTION." Kindly please excuse me if this is the case. Maybe I should not have started by defending the Court from the four lawyers and the Plan Administrator so eagerly awaiting an outcome they DEMAND!

3) I must first apologize that this correspondence is neither in the required or usual, expected format nor drafted by a lawyer. I am also unfamiliar with the procedures of appearing (e.g. by Zoom) in front of Judge Papalia, but given that an official notice was mailed to me, it acts as an invitation to fully participate in the process, even lacking the required qualifications. Otherwise why even bother, just to check off a box?

4) A copy was received by mail earlier this week, relating to a claim I filed on June 13, 2023. Thus, even if I were a lawyer, or represented by one, most likely I would have given up long ago the claim for $350.39 (said amount is prior to the recent inflation, thus not in real Dollars).

5) Exhibit 1 (not equal to Exhibit A, but this is for the lawyers to pay attention and argue) to the Notice is a long list of very small claims, ranging from $28.48 to $2,899.88. The vast majority of these claims is in the double digits, some in the low three digits; the number of claims in the four digits can be counted on the fingers of one hand. Let us keep in mind that those "appearing" in absentia – **standing in front of you** – are many individuals, say the spouse of each of us, or the daughter, or we ourselves. One has submitted a claim for $350.39. His name is Ari Bussel.

6) The Plan Administrator seems to object to the allowance of all these claims as "improper." [Basis for Relief point 20.] If fact, the Plan Administrator seems to object wholesale, in a single hand wave, "to each of the Disputed Claims identified on Exhibit 1! [Point 23.]

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7) The Plan Administrator then goes on to try and present why the claims en-mass are neither secured nor a priority. Looking at my claim, as an example, neither was asserted. So the Notice fails prima facie. But this is clearly not a waste of everyone's time, it is a mean to an end: Complete dismissal; as if we live in a society that everything is permissible, as long as it is properly dressed.

8) What would be the Plan Administrator's motive? Re-classify, move any standing to the least priority possible, then object and remove all these claims. These legal maneuvers are counter-productive in the business world. Since these deliberations are used in a bankruptcy court, possibly a fresh interdisciplinary / business approach should be tried? Imagine, a win-win solution can be found, yielding a lot of good will and future business (to the brand's new owners), without necessitating the involvement of four named lawyers who are taking up the Court's time.

9) The sum total of all said claims likely does not amount to a few hours of billable time by the Plan Administrator, members of his management team, other employees, his Professionals (thus named by him), the four named lawyers from Third Avenue, 34th Floor, in NYC, paralegals, secretaries and other support staff. This gives rise to the following question: Instead of trying to wipe out the entirety of small claims, why not try to address them? It is evident that most claimants will not pursue retaining a lawyer as it would be many times the amount of the individual claim. Many, if not all, have likely given up any hope, as the cases date back two or more years. Thus, they are practically prevented a priori from actually participating in these proceedings in any real and meaningful manner. Even if, arguendo, this particular submission is permitted and considered, it likely will be dismissed due to non-conformity to one legal argument or another.

10) I would like to think, though, that even bankruptcy should and could be handled in an honorable, logical manner (in addition to being compliant with the law). When I ordered goods from Bed Bath and Beyond, a large, reputable corporation, I did not expect to deal with lawyers or the Courts, and when trying to resolve the disappearance of money owed to me, I should not be expected or required to spend thousands or tens of thousands of Dollars to try and be able to use my $350.39 held by BBB (in its former or current corporate entity or by the Plan Administrator).

    Receiving a Notice from four lawyers (one admitted pro hac vice) on Third Avenue in New York City is frightening. I did not sign up for it. I was a customer who bought tablecloths for family gathering (such as the upcoming Easter holiday), kitchen items and a vacuum cleaner from a store. I did not commit a crime. Money owed to me (for a returned item) is no longer in my account. And I do not have the replacement items I ordered. Every time I use our vacuum cleaner, I am served a reminder of how any one of us can become a victim; but I do not blame Bed Bath and Beyond – it was the Great Pandemic after all.

    I am aware that the chain closed, but it reopened, my account still exists, but its history is gone. Everything looks "the same," except one tiny thing: my $350.39!

11) It is also evident that no attempt was made to find an easy and elegant resolution. BBB was taken over by another operator, the very same name and programs continue to be used, with

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one exception – the past is wiped out, as if it never existed. Instead, there could have been a partial credit issued (say for a claim of $40, $20 to be used toward future purchases = half the amount in this example). But why bother when it is possible to spend a whole lot of the Plan Administrator's money (as the lawyers are always paid most handsomely and on time) on proceedings that are clearly unnecessary? [17th and counting, still going strong!] The charges for these maneuvers far exceed the total claims. Instead, there will be a clear benefit of good will of those who purchased the brand name and other assets.

It should be presented to the Court how much money was actually spent on this "Notice," from its preparation, to its mailing, to anything billed in connection to it, to the (reasonable?) expectation to appear before the Judge. Or is it just a motion in shifting water in a container? This will aid put things in perspective. (a) 76 Claimants in the Exhibit, not even seven dozens. (b) A total amount likely to be written off completely at one point. (c) Actual amount spent on achieving this erasure. Combining all three on one line may truly be eye opening.

12) Instead of the wholesale removal (in stages) of all these small claims, allow me to show how the debtor is legally liable to the claimant in my case: An item was returned, and since our credit card was not credited after many months, we disputed it with American Express who issued us a full refund after investigating – BBB was not responsive. When we eventually found out that instead of crediting the credit card (original form of payment), a credit was actually issued with BBB (now inaccessible), we called and had the credit removed. One could have had a double credit ($700.78), and in some schools of thought that might have been acceptable. We subscribe to a different school of thought where it is wrong and prohibited. Thankfully there is an audit trail with American Express, another reputable company, to back these statements up.

The $350.39 is not a gift or charity. It is money we are owed. When we advised American Express and the credit was reversed, we were loyal customers of Bed Bath and Beyond who purchased regularly, so we did not mind the form of the credit. We knew we would use it.

13) Later, when we utilized this credit toward an actual order, the order was not received. Looking at Exhibit B, Declaration of Michael Goldberg in Support of Plan Administrator's Seventeenth Omnibus Objection (Substantive) to Claims, we learn that when we placed our order (the one that never arrived, that utilized the credit we had in full), "the Debtors continued to operate their businesses and manage their assets …." So Michael Goldberg declares under penalty of perjury from personal knowledge, his review and information provided to him that BBB essentially cheated the customer – took an order and never shipped it, then eliminated said credit to the point that there is no one with whom to talk, as the "incident" belongs to the past, to a transition with which Mr. Goldberg is so very familiar!

Mr. Goldberg claims it is nothing short of a "Misclassified Gift Card Claim." It is not. It is a credit for returned merchandise; credit that was supposed to go to American Express. It is credit that was later utilized, and BBB did not ship the merchandize. Since Mr. Goldberg states that his professionals and he are "in the process of reviewing, comparing and reconciling proofs of claim (including any supporting documentation)," possibly he can then produce the history of the purchase of the vacuum cleaner, the return(s), why American

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Express was not credited, and why was the subsequent order utilizing said credit never processed and shipped. There should also be recordings of all calls (the order included). In which case, the amount should have been known to Mr. Goldberg-the Plan Administrator as one of the line items owed (whether or not it will ever be repaid in full or in part). It would have been his obligation to address it at one point, not to reclassify or dismiss it. It would not have disappeared, even if I had not filed a claim two years ago.

It was the Great Pandemic, and BBB likely decided that if it declaring bankruptcy, there is no need to honor either credits or orders placed and confirmed by it. Apparently, there would be no consequences, even if said (in)action amounts to stealing a customer's money (to all those with ultra-sensitive souls, I apologize for the strong language, what would be the appropriate word for taking someone else's money?). Several years later, a Court will give its official blessing to said action. But the Court is being misled, as the Plan Administrator did not take appropriate action to investigate and try to resolve the claim. Instead it is engaging in legal maneuvering and the wholesale wiping of debts.

14) One would respect the Plan Administrator much more if it – on all its many lawyers – had engaged in simple actions. Here are some examples:
→ Present the lowest, highest and average debt for Exhibit A
→ Present the total amount in question
→ Advise if an attempt was made to have a partial credit available (as everything else transferred to a new owner in a way not even distinguishable to the consumer, except the "disappearance" of any money owed to the consumer and without anyone to approach). Allow me to repeat: Same log in; same benefits; same history; same everything, except any past credit or ability to question it. A brand new day, conveniently with very selective memory
→ Approach all creditors to have factual findings. Instead, each creditor was approached *you can respond, you can take a lawyer, you can participate, but the process is set against you. We know the probability you will retain a lawyer to recoup $360 (when each billable hour is many times that amount) is* de minimis*; in fact it is much less than epsilon*
→ Come up with a proposal to the Court, rather than trying to use the Court to its aim. The Court is not a tool in the Plan Administrator's hands; it is neither a rug nor a broom. Somehow, learned Officers of the Court have turned the proceedings into a comic relief … for themselves. Pages and pages of recitations, so that a requested Order will look well-reasoned, well-thought and actually protecting anyone (a stream of income, not the Claimants)
→ Assign someone (e.g. paralegal) to be in touch with each claimant, instead in a format of legal proceeding, in a short layperson's manner. Still same mailing, at a lower cost since just a single page instead of more than two dozen pages. Extending an actual chance for people to respond. Instead of a handful of responses, most would have responded. But for this, someone should want to receive answers, to have the Claimants participate. Tick off one of three options – pursue the matter in court; receive a one time credit for future purchases for the full amount; receive a one time payment of $20 (these are just examples)
→ Send a $20 check to each of the 76 Claimants as a one time courtesy and final settlement of their claims without deliberating. Or the full amount of each claim. It still

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will be an amazing investment, generate good will and build trust in our legal system. Or send a card instead, that a donation to our First Responders, US Military, the Boys an Girls Clubs of Greater New Haven [examples of past donations I made] or any other 501(c)(3) charity was made, and please do not expect anything from Bed Bath and Beyond. Any reputable law firm does so any way, so it would be a great marketing move. Maybe then people will not be afraid from a law firm at 780 Third Avenue in New York? Maybe then a local journalist will use the story as an example of accountability, integrity, responsibility and happy end?

15) Possibly the Court will send the Plan Administrator back to the drawing board, as all these tiny claims represent individuals who have been harmed, albeit each with different background facts. We all look with utter astonishment at the Notice of Objection to (Y)our Claim, a boilerplate approach to wiping off debt in stages, in a wholesale manner. If there is no real expectation of a response to, say, 98% of these claims, then the manner in which the Plan Administrator is pursuing this matter is misleading at best; and sad in any case. It is not designed to protect any claimant's interests, rather remove these as a nuisance, simply by going through proceedings knowing all too well what the outcome will be (and charging handsomely for this part of the journey).

Most respectfully submitted on this Good Friday, April 18, 2025, wishing all the recipients a blessed, holy Easter, for there is so much for which we should all be grateful, including the experience of a chain in which we used to shop regularly having gone bankrupt in the middle of the Great Pandemic of the 21st Century.

We were all in this predicament together, managed to survive, and maybe learned a lesson. A lesson the Prophet Isaiah taught us so long ago and in our very lifetime:

Isaiah Chapter 41 יְשַׁעְיָהוּ

6 They helped every one his neighbor;
and every one said to his brother: 'Be of
good courage.'

ו אִישׁ אֶת רֵעֵהוּ, יַעְזֹרוּ;
וּלְאָחִיו, יֹאמַר חֲזָק.